

Express mail number EV659494112US

PTO-1390 (Rev. 09-2006)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 1-17876
INTERNATIONAL APPLICATION NO. PCT/EP2005/001348	INTERNATIONAL FILING DATE 10 February 2005 (10.02.2005)	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/588,880
TITLE OF INVENTION <b>METALLIC CYLINDER HEAD GASKET</b>		
APPLICANT(S) FOR DO/EO/US <b>ALBRECHT SAILER et al</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input checked="" type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<b>Items 11 to 20 below concern document(s) or information included:</b> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/588,880	INTERNATIONAL APPLICATION NO. PCT/EP2005/001348	ATTORNEY'S DOCKET NUMBER 1-17876
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## 20. Other items or information:

Express mail certificate/number EV659494112US; return receipt card; Revocation of Prior Power of Attorney and New Power of Attorney with Statement Under 3.73(b); Second Preliminary Amendment; copy of 371 Formalities Letter; English translation of IPEA/409 and Annexes

The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ -	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200				\$ -	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))  If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500				\$ -	
<b>TOTAL OF 21, 22 and 23 =</b>				\$ -	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$ -	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ -	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$ -	
Total claims	20	- 20 = 0	x \$ 50	\$ -	
Independent claims	2	- 3 = 0	x \$200	\$ -	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$ -
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$ -	
				<b>SUBTOTAL =</b>	\$ 130
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$ -	
				<b>TOTAL NATIONAL FEE =</b>	\$ 130
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$ 40	
				<b>TOTAL FEES ENCLOSED =</b>	\$ 170
				<b>Amount to be refunded:</b>	\$
				<b>Amount to be charged</b>	\$

05/16/2007 MKAYPAGH 00000122 10588880

01 FC:1617

130.00 DP

- a.  A check in the amount of \$ 170.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-1816. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

**ADVISORY:** If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not recommended** and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended paying fees online by using the electronic payment method.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number 000068459  
 Marshall & Melhorn, LLC  
 Four SeaGate - 8th Floor  
 Toledo, Ohio 43604  
 Phone: 419-249-7138  
 Fax: 419-249-7151

  
 SIGNATURE  
 STEPHEN P. EVANS  
 NAME  
 47,281  
 REGISTRATION NUMBER  
 May 14, 2007

CERTIFICATE UNDER 37 CFR 1.10 OF MAILING BY "EXPRESS MAIL"

"Express Mail" Label Number EV 659494112 US

Date of Deposit May 14, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Kathleen J. Moore*

\_\_\_\_\_  
Signature of person mailing correspondence

Kathleen J. Moore

\_\_\_\_\_  
Typed name of person mailing correspondence

SECOND SUBMISSION IN THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 USC 371

U.S. Application No. 10/588,880

Filing under 35 USC 371 of International Appln. No. PCT/EP2005/001348  
filed 10 February 2005 (10.02.2005)

Title: Metallic Cylinder Head Gasket

Inventors: Albrecht Sailer et al

Assignee: Dana Corporation

Attorneys: Marshall & Melhorn, LLC

Attorney Docket No: 1-17876

Papers Submitted

Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 USC 371 -  
Form PTO-1390 (3 pgs) with copy of same (3 pgs)

Response to Notification of Missing Requirements Under 35 USC 371 (2 pgs)  
with copy of 371 Formalities Letter (2 pgs)

Executed Declaration (3 pgs)

Revocation of Power of Attorney with New Power of Attorney and Change  
of Correspondence Address (Form PTO/SB/82) (1 pg) and Statement  
Under 37 CFR 3.73(b) with copy of Assignment document (7 pgs)

Assignment document for recordation with PTO-1595 Cover Recordation Sheet (7 pgs)  
Second Preliminary Amendment (7 pgs)

English translation of International Preliminary Report on Patentability (12 pgs)  
Return receipt card

"Express Mail" Label Number EV 659494112 US  
I hereby certify that this correspondence is being deposited with the United States  
Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10  
on May 14, 2007 and is addressed to Mail Stop PCT, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450.  
Kathleen J. Moore  
(Signature of person mailing correspondence)  
Kathleen J. Moore  
(Typed name of person mailing correspondence)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	]	Group Art Unit:
ALBRECHT SAILER, JUERGEN	]	
SCHNEIDER, and BERND RUESS	]	
Filing Under 35 U.S.C. 371 in DO/EO/US	]	Examiner:
of PCT/EP2005/001348 filed 10 February	]	
2005	]	
For: METALLIC CYLINDER HEAD	]	Attorney Docket 1-17876
GASKET	]	

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May 14, 2007

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

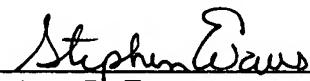
In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated April 2, 2007 (copy attached), enclosed is the executed Declaration and Power of Attorney document, as well as a "Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address" with "Statement under 37 CFR 3.73(b)" and copy of the Assignment. Please note that the umlaut (ü) in the second inventor's name, Jürgen Schneider, should be replaced with the letter "u" followed by an "e" (ue), which is the English equivalent of the German name, and should read --Juergen Schneider--.

Also enclosed is an Assignment document from the inventors, Albrecht Sailer, Juergen Schneider and Bernd Ruess to REINZ-Dichtungs-GmbH for recordation.

A check in the amount of \$170.00 is enclosed to cover the requisite fees:  
\$130.00 surcharge for late filing of the Declaration and \$40.00 for recordation of the Assignment.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

Respectfully submitted,

  
\_\_\_\_\_  
Stephen P. Evans  
Registration No. 47,281

ATTORNEYS

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,880	Albrecht Sailer	60680-2113
INTERNATIONAL APPLICATION NO.		
PCT/EP05/01348		
I.A. FILING DATE	PRIORITY DATE	
02/10/2005	02/10/2004	
CONFIRMATION NO. 4472		
371 FORMALITIES LETTER		
*OC00000023204972*		

Date Mailed: 04/02/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/09/2006
- Copy of the International Search Report filed on 08/09/2006
- Copy of IPE Report filed on 08/09/2006
- Preliminary Amendments filed on 08/09/2006
- Information Disclosure Statements filed on 08/09/2006
- Request for Immediate Examination filed on 08/09/2006
- U.S. Basic National Fees filed on 08/09/2006
- Priority Documents filed on 08/09/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

**RECEIVED**

APR 17 2007

MAISZAL & KELKORN, LLC

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

LAMONT M HUNTER

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Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/588,880	PCT/EP05/01348	60680-2113

FORM PCT/DO/EO/905 (371 Formalities Notice)